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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

IAN CLAIR MACDOWELL,)	Case No.: 2:21-cv-00729-AC
Plaintiff,)	STIPULATION FOR AN EXTENSION OF
vs.)	TIME; PROPOSED ORDER
KILOLO KIJAKAZI,)	
Acting Commissioner of Social Security,)	
Defendant.)	

IT IS HEREBY STIPULATED, by and between the parties, through their respective counsel of record, that the time for Defendant to respond to Plaintiff's opening brief be extended thirty (30) days from September 14, 2022 up to and including October 14, 2022. This is the Defendant's first request for an extension; this case was previously stayed and Plaintiff's deadline extended pursuant to the Court's order, following stipulation of the parties (Doc. 15).

There is good cause for this extension. Defendant has been diligently working this case, as it was initially part of a pre-answer project to review over 200 of the Commissioner's stayed cases for policy compliance, so that the Commissioner could identify cases for early settlement. Plaintiff filed his opening brief on August 1, 2022, after a stipulated extension of 15 days (Doc. 15, 16). Thereafter, the undersigned was assigned this matter for briefing (Doc. 17).

1 Defendant's deadline of September 14, 2022 falls during a five-day period of absence due
2 to military orders directing travel to Washington, D.C. Due to ongoing high workloads
3 following the Commissioner's filing numerous administrative records between April and June
4 2022, the undersigned foresaw this schedule conflict in early August and requested that her
5 supervisor re-assign cases with briefs due in September. However, to date, none of the
6 undersigned's cases have been transferred due to the sustained high workloads in the office.
7 However, a colleague has volunteered to review Plaintiff's brief to determine whether settlement
8 may be appropriate.

9 The undersigned has been diligently trying to meet deadlines in her assigned cases.
10 Counsel has filed nine merits briefs or stipulated voluntary remands in the 45-day period for
11 Defendant's responsive brief in this case. In addition, the undersigned has worked part or all of
12 three weekends meeting assigned deadlines in her other job as a reservist, as well as additional
13 hours at the Office of the General Counsel. In addition, several attorneys from the Office of the
14 General Counsel have departed or are on extended leave, causing re-assignment of their
15 workloads to remaining staff. As a result, the undersigned has received 21 new cases in various
16 stages of litigation in recent weeks.

17 No unnecessary delay is intended, but rather, the Commissioner seeks time to adequately
18 evaluate this case.

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20 Respectfully submitted,

21 Dated: September 7, 2022

/s/ Robert Weems*

ROBERT WEEMS

Attorney for Plaintiff

(*signature authorized via e-mail Sep. 7, 2022)

24 Dated: September 7, 2022

PHILLIP A. TALBERT

United States Attorney

PETER K. THOMPSON

Acting Regional Chief Counsel, Region IX

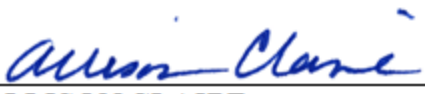
Social Security Administration

1 By: /s/ Ellinor R. Coder
2 ELLINOR R. CODER
3 Special Assistant U.S. Attorney
4 Attorneys for Defendant
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7 **ORDER**

8 Pursuant to the parties' stipulation, and for good cause shown, IT IS SO ORDERED that
9 Defendant shall have an extension, up to and including October 14, 2022, to file a response to
10 Plaintiff's opening brief.

11 DATED: September 7, 2022.
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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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